

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

V.

NO. 1:15-173-01-02-LM

OSCAR ROSARIO

MOTION TO RECONSIDER
ORDER OF DETENTION

NOW COMES the accused, Oscar Rosario, by and through counsel and moves this Court (Johnstone, MJ) to reconsider its October 8, 2015 decision to detain the accused pending trial.

In support of this motion, the accused states as follows:

1. On October 8, 2015, at the end of the accused's Detention Hearing, this Court (Johnstone, MJ) found that although the accused did not pose a risk of flight, that he did pose a danger to the public. As result, this Court ordered the accused detained pending Trial.
2. Subsequent to the hearing, the accused's counsel was informed by the proposed third party custodian, John D'Amelio, that he worked out of his home at 5 Alexandria Way, Chelmsford, Massachusetts and therefore would be present on a continual basis to monitor the accused if the accused was released into his third party custody. Moreover, Mr. D'Amelio informed the undersigned counsel that his wife, Mary, does not work and is at the house as well to monitor the accused. Last, Mr. D'Amelio informed the undersigned counsel that his house is equipped with security cameras which would be utilized to supplement he and his wife's personal monitoring of the accused's activities if released into his custody.

3. Based on the above new information, the accused submits that this level of third party custodian monitoring of his activities would assuage any potential danger to the public.
4. The Government objects to this Motion.

WHEREFORE, the accused respectfully requests that this Court (Johnstone, MJ) schedule a further Detention Hearing and, after hearing from proposed third party custodian as to the ability at his home to monitor the accused's activities, that this Court reconsider its order of detention and that this Court release the accused into the third party custody of John D'Amelio, with the added condition of electronic monitoring.

Date: October 13, 2015

/s/ Paul J. Garrity
Paul J. Garrity
Bar No. 905
14 Londonderry Road
Londonderry, NH 03053
603-434-4106

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 13th day of October, 2015, a copy of the within Motion to Reconsider Order of Detention was e-filed to John Farley, Assistant United State Attorney and mailed, postage prepaid, to Oscar Rosario.

/s/ Paul J. Garrity
Paul J. Garrity